OWNING, KEEPING, OR HARBORING DANGEROUS ANIMALS WITHIN THE VILLAGE

ORDINANCE 2023-4

Definitions:

A. Whereas, "Dangerous animal" is defined as any animal which is carnivorous or which, because of its nature or physical makeup, is capable of inflicting serious physical harm to human beings, including the cat family, the dog family, alligators, crocodiles, snakes which present a risk of physical harm to human beings; all bears, wolverines, badgers, lions, tigers and elephants and such other animals as the Director of Public Safety and Service of Carroll County determines by written regulations to be dangerous animals. Any animal which has been found by the Director to have caused any serious physical harm to any human being shall be conclusively presumes to be a dangerous animal, whether or not it was previously listed as such. This Ordinance states that no person shall own, sell, trade, exhibit, keep or harbor any animal which has been listed above.

B. Whereas, "Serious physical harm", to human beings, is defined as any of the following:
   1. Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
   2. Any physical harm which carries a substantial risk of death;
   3. Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;
   4. Any physical harm which involves some permanent disfigurement or which involves some temporary, serious disfigurement;
   5. Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

C. Prior to any action being taken which is authorized by Section A, written notice shall be sent by certified mail AND regular mail, sent by the Director of Public Safety, to any person that is keeping or harboring a dangerous animal. Such notice shall require such person to safely remove the animal

a. Restitution
b. The court shall determine the amount of restitution that needs to be paid by the offender. The court shall hold an evidentiary hearing on restitution if the offender disputes the amount of restitution.
c. The court may order that the offender pay a surcharge, of not more than five percent (5%).
d. Fines: A fine in the following amount:
    1. For a misdemeanor of the first degree, not more than one thousand dollars ($1,000.00).
    2. For a misdemeanor of the second degree, not more than seven hundred fifty dollars ($750.00).
    3. For a misdemeanor of the third degree, not more than five hundred dollars ($500.00).
    4. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars ($250.00).
    5. For a minor misdemeanor, not more than one hundred fifty dollars ($150.00).

First Reading: 7/11/23 Second Reading: 8/15/23

Third Reading: 9/12/23

Passed this 12th day of September, 2023.

Approved: Mara Malterer, Mayor Mara Malterer

Attest: Karen Love, Fiscal Officer Karen Love